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CONTEMPORARY FORMS OF SLAVERY

Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22

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Introduction

1. The Commission on Human Rights, in adopting the Programme of Action for the Elimination of the Exploitation of Child Labour (resolution 1993/79, annex), recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels, and requested the Sub-Commission to submit to it every two years a progress report on the implementation of the Programme of Action by all States.

2. In its resolution 1997/22 (para. 28), the Sub-Commission requested the Secretary-General to invite States to inform the Working Group on Contemporary Forms of Slavery of measures adopted to implement the Programme of Action and to submit a report thereon to the Sub-Commission at its fiftieth session.

3. In order that the Working Group might examine this matter at its twenty-third session, the Secretary-General, on 6 January 1997, sent notes verbales to Governments requesting the desired information. As of 15 June 1998, replies had been received from Brunei, Thailand, Mexico.

REPLIES RECEIVED FROM GOVERNMENTS

Brunei Darussalam

[Original: English]
[5 May 1998]

The Government of Brunei reported that measures to stop the exploitation of child labour can be found in chapter XI (Special Provision Relating to the Employment of Women, Young Persons and Children) under the Labour Act (Cap. 93) of the laws of Brunei Darussalam.

Thailand

[Original: English]
[1 May 1998]

1. The Department of Labour Protection and Welfare of the Government of Thailand provided information on measures taken to prevent the exploitation of child labour.

2. In 1994, a project was initiated which aimed at the establishment of centres for female and child labour assistance in each province, to prevent as well as to solve any problem concerned with female and child labour. The centres would provide information on rights and obligations as specified in the labour laws, safety in the workplace and basic information on improving the quality of life.

3. Approved by the Cabinet on 1 November 1994 for a five-year period (1995-1999), the Project on Prevention of and Solution to the Problem of Child Labour aims to encourage local villagers to participate in preventing and solving problems of child labour. To that purpose, the project provides

for the training of local volunteers on labour issues, community leaders and school administrators, and children so that when they enter the labour market they will have the necessary skills.

4. Initiated in 1997, the Project on Public Education to Prevent and Solve the Problem of Child Labour aims to solve the problem at its roots by educating the public about the exploitation of child labour and encouraging the community to participate in solving the problem. Activities of the project include training of labour officers; educating children, local leaders and villagers; public education campaigns through document hand-outs, videos, shows, exhibitions and quiz shows; regular inspection of child labour conditions in the workplace as well as medical services for child labourers.

5. The new Labour Law increases the minimum age for employment from 13 to 15 years of age. The new Law also requires employers to inform labour inspection officers of the employment of children below the age of 18 within 15 days of their employment, any change in the nature of their work, and the termination of their employment within seven days. The previous Law required only that employers inform the concerned authorities about child labour employment every January; the new Law thus enables more thorough inspection and more efficient protection. To protect the health of child employees, the new Law requires that they receive at least one hour of rest each day and after four hours of work. In addition, within the four-hour work periods they are entitled to a small break.

6. To upgrade work efficiency and knowledge, the new Law allows employees to take leave with pay for 30 days annually to participate in meetings and training organized by both the public and private sectors.

7. The new Law prohibits employers from demanding or receiving money as a consequence of the employment of children.

8. To prevent employees from being sexually taken advantage of by an employer, the new Law prohibits an employer, supervisor or inspector from sexually abusing female or child employees. The new Law increases penalties from the past Law which specified only one penalty, namely less than six months' imprisonment or a fine of up to 2,000 baht.

9. To effectively implement the labour laws authorities are required to put great emphasis on labour inspection at workplaces employing large numbers of children and in small businesses.

10. A Hot Line Center has been set up to receive complaints of child labour exploitation 24 hours a day and to coordinate on labour inspection with labour inspection officers and authorities concerned to get help to the children in need in time. Since January 1997, complaint boxes have been set up in different communities of Bangkok to enable people to voice complaints conveniently.

11. Since January 1997, the Ministry of Labour and Social Welfare has provided visiting services to child employees on behalf of their parents living in the countryside.

12. The Ministry of Labour and Social Welfare is coordinating with the Ministry of Education to include courses on child labour in school curricula to allow children to learn about their rights and obligations as specified in the labour laws and to prevent child exploitation.

13. The Cabinet has decided to set up a committee on child labour protection, comprising representatives of the public and private sectors, employees, employers and NGOs, under the chairmanship of the Minister of Labour and Social Welfare.

14. A public education campaign through documents (brochures, pamphlets, comics, posters and videos, as well as training to raise public awareness and to create understanding on the issue of child labour exploitation, has been undertaken.

Mexico

[Original: Spanish]
[8 June 1998]

Elimination of the exploitation of child labour

1. Measures for protection and surveillance are in force in the labour sphere. Recruitment of persons aged under 18 is governed by article 123, sections II and III of the Constitution, which lays down that:

(a) No one aged under 14 may be engaged for work;

(b) No one aged over 14 and under 16 may be engaged for unhealthy or dangerous work, night work in industry or any work after 10 p.m.;

(c) Persons aged over 14 and under 16 shall have a maximum working day of six hours.

2. The Federal Labour Act regulates work by minors aged over 14 and under 16 in detail, in the light of the following principles:

(a) The provisions in force under the labour protection system for minors are a matter of public policy and are mandatory. In the event that a minor is engaged for work, both the employer and the minor shall be punished, the former through the immediate dismissal of the minor and by being made to pay the minor three times his or her wage as compensation, and the latter by losing the right to demand re-employment.

(b) In keeping with the provisions of articles 23 and 175, the age of majority for employment purposes is reached at age 16, when the worker acquires the capacity to offer his or her services freely within the limits laid down in the law (concerning night work in industry) and to institute proceedings in person. Even minors have the capacity to institute amparo proceedings in the labour sphere without the involvement of their legal representatives when the latter are absent or unable to be present; it is the duty of the judge to hear a minor's request and appoint a special

representative to intervene in the case, who may be designated by the minor himself or herself if the minor is aged 14 or over (article 6 of the Amparo Act).

(c) Rules of protection in terms of physical development include a ban on the performance of activities in excess of a minor's strength which may halt or hamper his or her normal growth, as well as a ban on engaging persons aged under 16 for work at sea, under the sea or under the ground, unhealthy and dangerous activities or work in non-industrial areas after 10 p.m. There are restrictions on work by those aged under 18 as storeroom keepers or stokers, in public works or in loading and unloading (article 175 of the Amparo Act).

(d) It is forbidden to use persons aged under 18 for services outside Mexico, except in the case of technicians, professionals, performing artists, sportsmen and specialist workers in general (article 29 of the Federal Labour Act).

(e) Rules for protection of the moral, social and intellectual education of minors include a ban on their engagement for work in shops selling intoxicating drinks, work affecting their morals or respectability, and work as hawkers, without the permission of the labour inspectorate.

Sale of children, child prostitution and child pornography

3. Child prostitution and trafficking in children are shameful and disgraceful problems facing society not only in Mexico but throughout the world. They are associated with economic, political and cultural factors which constantly weigh on the most vulnerable groups. It is well known that criminal organizations engaged in child prostitution and trafficking in children exist and operate between the countries of Central America and the Mexican States of Chiapas, Oaxaca and Guerrero. These organizations "import" adolescent girls for distribution as high-value goods.

4. The Assembly of Representatives in the Federal District is currently studying a draft reform designed to punish more severely persons who prostitute minors or violate their dignity, a crime involving unacceptable moral genocide which deserves the harshest penalty. Studies are also under way with a view to submitting to the appropriate authorities a draft classifying sex tourism and child pornography as offences.

5. Article 4 of the National System of Social Assistance Act places on the National System for the Integral Development of the Family (DIF) responsibility for promoting and stimulating the healthy physical, mental, moral and social growth of children. Ill-treated minors are dealt with through a DIF programme which, jointly with the Office of the Procurator for Defence of Minors and the Family and the Ill-treatment Clinic of the DIF Institute of Mental Health, provides legal, medical, psychological and psychiatric services for ill-treated children.

6. In November 1997 Ms. Ofelia Calcetas-Santos, the Special Rapporteur of the United Nations Commission on Human Rights dealing with the sale of children, child prostitution and child pornography, visited Mexico.

Commercial sexual exploitation of children

7. The activities undertaken by the Mexican Government to counter the commercial sexual exploitation of children include the following:

(a) During 1996 and 1997 two initiatives for the reform of the Penal Code of the Federal District and for the whole country (with amendments to articles 200, 201 and 266, section V) were submitted to the Chamber of Deputies and the Senate for the purpose of classifying child exploitation as a serious offence.

(b) DIF has urged the DIF agencies in the individual States to promote legislative reforms in the State congresses with the aim of classifying child pornography, child prostitution and child sex tourism as offences.